P. E. 66 of 93

G. R. S. IX-5]

Previous references. 1892-93

192 .

(L. C.)

File No. 147 of 92

Serial Nos. 1—5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1—5

Index for ~~Part B for~~ December 1893.

SUBJECT.

Report of Chairman Gonda of Sapsina - Kalli, Gubbi Taluk, regarding the patel.

December received
Pl. [illegible]
[illegible]
1893

3

Village Officials deposed that Timmappa, Hanumaiah and Eramma filed the present suit, but after the suit was filed and they were called upon to file their written statements and recommended that the Village Munsiff should be directed to proceed with the trial of the suit. The Deputy Commissioner directed on the 25th September 1886 that the Assistant Commissioner should proceed with the trial of the suit and the Village Munsiff should be directed to assist in the trial. The Assistant Commissioner, after the trial, passed a decree in favour of the plaintiffs and the defendants appealed to the Deputy Commissioner, who dismissed the appeal. The defendants then preferred a second appeal to the Court of the Resident at Bangalore.

From the very carefully detailed Memorandum of Evidence the Respondents' case appears to be as follows. In 1861-62 Eri Swamy made a gift for pious purposes to the Respondents and Timmappa made a gift to the 5th Respondent and the Plaintiffs, which gifts were confirmed by Timmappa's Sanad, which was registered in 1865-66. By 1870

they were elected and the duties were duly performed by them for the year 1880 &c. The appellant's first allegation is, that the rate fixed by the Legislature of Kajawaddie village of 1864-65, 70-71, and 1875-80.

The case stated sets forth grounds 80.

On the 30th May of the 2nd session the respondent the mayor of Kajawaddie petitioned for injunction and declaration of proceedings for void.

The Kajawaddie Municipal Council and the appellant filed their statement particulars that with the permission of the 2nd session the respondent the village of Kajawaddie which had become Municipal Council of Kajawaddie Council Election and that in preparation which the rates were prepared for the Municipality of the Village - the Valuation for 1880 &c. that the respondent was the Clerk performing the office of that office Village since 1877-78 in consequence which the Municipal Council was by Legislature that the respondents have stated that Kajawaddie was the place of residence in the Council of Kajawaddie which is false.

that he should be appointed for the space of five years from the date of the said Letters Patent in consideration of his good services for the term of the said five years.

Mr. Justice Wilkinson then delivered the judgment of the Court. He said: In this case the Petitioner prays that a writ of Mandamus may issue directing the Respondents to admit him to practise as an Attorney of this Court. The Petitioner was duly articled to Mr. Edward Hall, a practising Attorney of this Court, for the term of five years, and served his articles accordingly. He then applied to be admitted as an Attorney of this Court, but his application was refused by the Respondents on the ground that he had not served his articles with a practising Attorney during the last year of the term. It appears that Mr. Hall had taken into partnership with him a Mr. Edward Thomas, who had been admitted as an Attorney of this Court, and that during the last year of the Petitioner's articles Mr. Hall practised in partnership with Mr. Thomas, and not on his own account. The Petitioner contends that he has complied substantially with the requirements of the Rules of this Court, and that he is entitled to be admitted as an Attorney of this Court. The Respondents contend that the Petitioner has not complied with the Rules of this Court, and that he is not entitled to be admitted as an Attorney of this Court. The Petitioner has served his articles with a practising Attorney of this Court for the term of five years, but he has not served his articles with a practising Attorney of this Court during the last year of the term. The Petitioner has served his articles with a practising Attorney of this Court for the term of five years, but he has not served his articles with a practising Attorney of this Court during the last year of the term.

Recognizance be assigned to Pltf
in Replevin after the Defendant
herein had Judgment for a Return
was passed.

Ordered that the Plaintiff
Appeal be dismissed on the
27 January 93 on the following grounds
1. That the Recognizance filed
by the Plaintiff in this Appeal
does not comply with the Statute
because the Appellant has not
filed with the Clerk of this Court
the Bond or Recognizance
required by the Statute.
2. That the Recognizance should
be declared void. That the Recognizance
were defective in not stating
the Sum in which the Plaintiff
was to be bound.
3. That the Recognizance filed
herein is void in not stating
the Names of the Sureties
4. That it does not appear that a Copy
of the Judgment appealed from
was served on the Defendant
before the Appeal was entered.

That the Costs of the Defendant

4. Last Term of Judgment appealed from
respondent did make and enter herein
a judgment in favor of plaintiff
& against defendant.

5. Wherefore plaintiff prays for
citation & hearing & judgment.

6. Wherefore respondent moves
appeal against the decision of the Court
against respondent & in favor of plaintiff
for the sum of $ [illegible] have
judgment herein & dismissed
& plaintiff & costs of appellant.

RK

Ug

of the appointment of
the appt, because they
were living only within
one mile of the Village
the Postal Route of which
was ~~the~~ claimed.—

Under these circumstances
Genl considered that the appt
should not be deprived of the
office during her life
term & accordingly
directed that the Decree
of the Dist Court be not
carried into effect
during the term of
the appt. ~~Dec~~ remains
in office. ~~She~~ On
her death or removal
Respts may have
the office.

Ltr
4/12/93

Ltr—

Appt is referred to the
Dist Court in whose
orders have been issued
and the ~~Dist~~ Appt
~~from office~~ carry out
the Decree and the appt
remain in office.—

Ltr

Pet 1474

MYSORE DEWAN'S OFFICE, 18/5/93

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM. (3)

The accompanying Petition No. 2745 dated 22-4-93 received at the Dewan's Office from Channegowda of Sathanahally, Gubbi Taluk, appealing against the Deputy Commissioner's order in Rent appeal case No. 10 of 1892-93 regarding his claim to the Patelle of Rapanjanahalli Gubbi Taluk

is forwarded, together with its four enclosures, to the Deputy Commissioner Tumkur District, for submission of Proceedings with a report on the facts of the case and on the points taken in the petition

2 The Petition with its enclosures should be returned.

By Order,

Draft

S.V.

BANGALORE, 17 May 1893.

Chief Secretary.

M. G. C. P. Bangalore.—21-11-92—3,000.

L.R. 147-92-2

Herein the Cause Pet 962 of 92-93

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE. 23 MAY 93

C 1892

From The Superintendent
Tumkur Dt.

(4)

To

The Chief Secretary to the Govt. of Mysore.

L.R. 147-92-3

Dated 20th May 93.

Despatched 23rd May 93.

Received

Enclosures No. 5 & Record

General No.

No. 962.

Chief Secretary Govt: Records:
No: 147 of the 20th May 93.

Sir,

I have the honour to forward herewith the case of Timmajamma of Chikkanayakanahalli in the Tiptur taluk — Petitioner the Petitioner. —

Rec. Peter Moss 23/5

Posted 6/30th November 93.

M. 13/11

M. G. C. P. Bangalore.—27-1-93.—5,000.

ಮೈಸೂರು ಜಿಲ್ಲೆ ಪಿರಿಯಾಪಟ್ಟಣ ತಾಲ್ಲೂಕು ಹಾಡಿಯ ಸರ್ವೆ ನಂ ೧೨೯ರಲ್ಲಿ ೧೦ ಗುಂಟೆ ಜಮೀನನ್ನು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡಿದ್ದು ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆ. ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ಪಡೆಯಲು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅರ್ಜಿಯು ೧೯೯೨-೯೩ ನೇ ಸಾಲಿನಲ್ಲಿ ತಿರಸ್ಕೃತಗೊಂಡಿರುತ್ತದೆ. ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ೧೦ ಗುಂಟೆ ಜಮೀನಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ಕೊಡಿಸಿಕೊಡಲು ಕೋರಿ ಈ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದೆ. ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ಕೊಡಿಸಿಕೊಡಲು ಕೋರಿ ಈ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದೆ.

ಅರ್ಜಿದಾರರ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ

೧. ಪೂರ್ಣ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ
೨. ತಂದೆಯವರ ಹೆಸರು
೩. ಜಾತಿ
೪. ಉದ್ಯೋಗ
೫. ಆದಾಯ

ನಿಮ್ಮ ವಿಶ್ವಾಸಿ

ಅರ್ಜಿದಾರರ ಸಹಿ

ಸ್ಥಳ :
ದಿನಾಂಕ :

ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಡಿಸಿಕೊಡಲು ಕೋರಿ ಅರ್ಜಿ

Mr Ramaswamy Iyengar

22-4-93

Vakeel at Law

Dist Dt. Vellore

24

Before the Government of *His Highness* the Maharaja of Mysore.

(7)

Appeal No. 149 of 1892-93

L.R. 142-92-4

Appellant. Vs. Respondent.

Cheruve Gowda
of Sobhanabetchalli
Gubbi Taluk
represented by Mr.
Narasimha Iyengar,
advocate.

Malligi Gowda
Girigowda &c
represented by
B. T. Narasimha
Iyengar, advocate

Decision. Dated 2nd December 1893.

The Patail Stock of the village of Rajanapanahalli belonged to the family of the Respondents. The village became depopulated in the famine of 1877-78. In 1880, appellant a neighbouring Patail, unconnected with the family of Respondents, brought a few ryots and settled them in the village and in consideration of this service he was appointed Patail of the village on 5th September 1880.

Respondents brought a
suit for the office on 30th
May 1892, and the Assistant
Commissioner who heard
the case passed a decree
in favour of the Respondents,
but allowed the appellant
to remain in office for 3
years longer so that
he might have a service
of 15 years in all as a
reward for his services.
The Deputy Commissioner,
on appeal made by the
appellant in this case,
confirmed the decision
of the lower Court with the
modification that appellant
should quit the office
at the end of the current
year 1893-94.

2. The appeal is against
this order.

3. The Respondents are,
no doubt, the Mackitars

Decision in Appeal No 14 of 1892-93 —

Of continued

Of

Auctioneers of the office, but they neglected their work for a long period, and did not offer their services till 1892. It cannot be said that they were ignorant of the fact of the appointment of the appellant, because they were living only within one mile of the village the Patail Auctioneer of which is now claimed.

4. Under these circumstances, Government consider that appellant should not be deprived of the office during his life time and accordingly direct that the Decree of the Deputy Commissioner

be not carried into effect during the time the appellant remains in office On his death or removal Respondents may have the Office.

'By order'

Chief Secretary

Redraft

17/12/93

Copies to the Registry Commissioners Dundas Dist. with the rec: proof received with his No. 962 dated 20-5-93

No. 9982 dated 20.12.93

'By order'

Chief Secretary

SC

No. 2745
as 147

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
19 Dec 1893

Endorsement granted to Chennegowda of Lakkavalli
Gubbi Taluk

L.R. 147-92-S

in reply to his Petition Registered No. 2745 / as 147 dated 22-4-93
appealing against the Dy. Commissioners order
regarding the Patels of Rajanhalli

Petitioner is ~~informed that~~ referred to the Deputy Commissioner to whom orders have been issued not to carry out his decree while the appellant is in office.

& The enclosure returned

19/12/93

Redraft

"By Order"

Chief Secretary.

S.V.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

Appeal Suit No. 49
92-93

Appellant — Chennaiyawa

Respondent
1. Mellori Jawa
2. Siriamma
3. Hammamma
4. Jawida
5. Timmamma

Filed by Chennia Jawa against the decisions of the Treasury Assistant Commissioner and the Dy. Commissioner Trincomalee District in Rev. Suit No. 4 and Rev. Appeal No. 100/92-93 respectively in the matter of Claim to the Office of Polil of Rajana Pirichi Village of Pillore, Pulo Trincomalee.

On the 8th January 1880 the appellant-Chennia Jawa Polil of Soppina Valli, Vanniya Hobli of Pillore applied to the Dy. Commissioner Trincomalee District for permission to improve the Village of Rajana Pirichi that was ruined by the late famine by causing some people to settle there and requested that till it was so improved they may be Exempted from the Payment of Mohalaiya &c. [illegible]

Dy. Commissioner ordered in his Endorsement
No. 223 of the 27th instant that the house tax
could not be imposed on cultivators and that
the Village might be improved.

On the 27th August 80 the appellant ad-
-dressed another petition to the Amildar of
Chickanaikanahalli representing that
on the authority of the above order he brought
6 or 7 families & made them to settle in the
Village by giving them at his own Expense
grain, money and bullocks & Caused
some lands to be brought under cultivation
which would benefit the Government, and
they now state that they would continue
to live in the Village on the condition of
his being nominated to the Potelship of the
Village as they could not Expect similar
help if others were appointed and requesting
that his name might be, recommended for
the office of Patel of the Village.

The Amildar in forwarding the above
reported to the Dy. Commissioner in his No. 326
of the 30th August 80 that the petitioner had
by his Exertion caused some lands of the

Thereupon the Amildar framed the following issues:

1. Till when did the Elders of the respondents perform the office of Patil in the Suit?
2. How long did the 1st respondent perform the office, for whom and for what reasons did he relinquish it?
3. Has the Suit filed by the respondents been barred by limitation?
4. What was the population of the Village when the appellant was appointed as Patil and what is the population now?
5. Whether the appointment of the Appellant as Patil would in any way annul the rights of the respondents.

He examined both the parties and the witnesses filed by them as well as the following documents.

1. Copy of the Patil Register for 64-65
2. do — for 75-76
3. do — for 1880-81
4. do appellant's petition to Chickanaikan halli Taluk of 27 August 80
5. do. of Chikkanaikanhalli Amildar's report No. 326 of 30 Augt 80 to Dy. Comr.
6. do. Dy. Comr's Kuttcha No. 225 of 5 Sept 80
7. Statement showing the population of Jamabanda Village made by the parties produced by the respondents 3rd witness.
8. The petition submitted by the Appellant to the Dy. Commissioner his Endorsement No. 233

and expressed his opinion that as no documentary evidence excepting those marked 1, 2 & 3 has been produced to show exactly when the Elders of the Respondents and the 1st Respondent himself assumed charge of the office and when they delivered charge of it no decided opinion could be formed as regards the 1st and 2nd issues; that reckoning from the date of the order i.e 5th September 80 sanctioning the appointment of the appellant to the date of the filing of the suit by the Respondents i.e 30 May 92 their claim does not seem to have been barred by limitation, which disposes of the 3rd issue; that the document produced by the 3rd witness of the Respondents marked 7 shows that the village was Bechark in 80-81 when the appellant assumed charge of the office and that, though contradicted by the respondents' witnesses, it has since been depopulated containing 13 houses and yielding to government now an annual revenue of Rs. 106-3-6. mainly through the exertion of the appellant, which disposes of the 4th issue - that as proper inquiry does not seem to have been instituted at the time when the appellant was appointed as to the existence of the claimants for the office or as to their willingness to continue in office the right of the Respondents to the office has not been nullified and recommended that

who now claim the Potdeship to have improved the village as soon as it was made "Bechorak" and to have taken precautionary measures against its future recurrence and it is wrong that the lower court took objection to their not having been served with notices at the time the appellant was appointed as Potel.

6. That it is astonishing to look at the consideration shown to the appellant by the lower court for improving the "Bechorak" village by his exertion and at his personal expense relying that the Potdeship would be conferred on him permanently

7. That it is Government, but not the appellant that is responsible for the suit filed by the Respondents as regards the deprivation of their claim and the consequent loss sustained by them and it is contrary to rules that Government admitted the suit filed by the Respondents as regards things done by it for its own benefit and thereby revoked its own deeds.

The appeal was heard on the 27th February 1893 and the Dy. Commissioner upheld the first part of the decision of the lower court "that the Respondents should be restored to office and reverses the 2nd Second part that the appellants

should continue in office for three years more and decided that the Respondents be restored to office soon after the close of the current year.

Against this order the appellant has filed his appeal on the following grounds.

1. It is clear from the conduct of the Respondents, their depositions, and the circumstances of the case that they did not want the office of Patel of Kasam Pincha Village and thereby obliged Government to nominate another instead more than 12 years ago.

2. It is also clear from the facts that as Kasam Pincha Village had become Bechardi through the negligence of the Respondents and that as they were not capable to improve it so as to the advantages to themselves and to Government the Respondents and their Elders willingly relinquished the office.

3. The office was conferred on the appellant after the Respondents so relinquished it and on the appearance of the appellant to improve the Bechardi Villages so as the advantages to himself and to Government.

4. The Respondents have instituted this

12

149 of 1892-93

(5)

Appl

Kohanna Gowda
of Sothanahalli
Gubbi Dalug
Represented by Mr L Narasimha Iyengar
Advocate

Respt

Malegowda
Gurigannu
Represented by Mr K T Narasimha
Iyengar Advocate

It Patail Stock of the
of village of Rayanapenahe
belonged to It family
of It Respts. It village became
depopulated in It famine
of 1877-78. In 1880, appt
a Neighbour, Patail,
unconnected with It family
of Respts, brought a few
ryots & settled them in
the village & in consequence
of the service he was
appointed Patail of the
village on 5th September
1880. Respts brought
a suit for It office on
30th ~~12~~ May 1892, & the

asst Comr who heard
the case passed a
Decree in favor of the Respts,
but allowed the Appt
~~to allowed~~ to remain
in office for 3 years longer
so that he might have
a service of 15 years in
all as a reward for
his services. The Dy Comr,
on appeal made to him,
the Appt in this case, confirmed
the decision of the lower
Court with the modification
that Appt should quit the
office at the end of ~~1893-94~~.
the Current year 1893-94.

The appeal is against
this order.——

The Respts are
no doubt H. Hackett
of the office, but they
neglected their work for
a long period & does
not offer their services
till 1892. It cannot
be said that they were
ignorant of the fact

(General Serial No. 32.)

1893. (2)

No. 2745

Name of Petitioner. Channa Gowda
by Mr: L. Sreenivasa Iyengar

Village. Sophinahally

Taluk. Gubbi

District. Tumkur

Date of Appl. 22-4-93

Date of Receipt. 22-4-93

Date of Disposal.

No. of Enclosures. four

R. 147-92-1

ABSTRACT.

Appeals against the decision
of the Treasury Assistant Commr
of Tumkur on his Revenue Case
no: 4 of 1892-93, & the decision of the
Deputy Commissioner, Tumkur
District, on his Revenue Case no:
10 of 1892-93, in re his claim to the
Padalee office of Rajanpanchi
Gubbi Taluk, on the following grounds:
(1) It is clear from the Kaifiyats
taken from the plaintiffs Madagiri
gowda & others that they disclaimed
themselves

Mysore Govt. Central Press Bangalore—7-9-92,—4000.

themselves to the said Patalee office more than 12 years ago, by asking the Government to appoint its own man to the office.

(2) The said village Rajanpanche become "Bachaiak" (deserted) ing to the carelessness of the plaintiffs. & so not able to improve it, they their ancestors willingly resigned ir claim to the said office. Afterwards the defendant Channa Gowda was confirmed in the said office as he promised to promise the village & show extra income to e Government.

(3) The defendant did act according to his promise & showed Rs. 100 Rupees extra annual income to the Government & so the plaintiffs brought this appeal (to the Dy: Commissioner) out of mere jealousy.

(5) Evidently the plaintiffs' claims are barred by the law of limitation.

(6) Although the plaintiffs did not appeal against the Treasury Assistant Commissioner's order, the Deputy Commissioner reversed the only clause which was to the good of the defendant.

Prays that the Deputy Commissioner's order may be reversed & the petitioner's ~~appointment~~ claim to the Patalee office may be confirmed.

Deputy Commissioner's Office
Tumkur District.
Dated 20th May 1893.

No: 962.

19 (4)

To,

The Chief Secretary to the
Government of Mysore.

Sir,

As called for in your official Memorandum No. 1474 of the 15th instant, I have the honor to submit herewith the proceedings connected with the case of Chennagowda of Soppinahalli in the Gubbi Taluk.

2. The enclosures of the Memorandum under reply are returned.

I have the honor to be,
Sir,
your most obedient servant

Deputy Commissioner.

ಸೂಚನೆ : ಪರೀಕ್ಷಾರ್ಥಿಗಳು ಪ್ರತಿ ಪ್ರಶ್ನೆಗೆ ಕೊಟ್ಟಿರುವ ಸಮಯದಲ್ಲಿ
ಉತ್ತರವನ್ನು ಬರೆಯಬೇಕು. ಅಶುದ್ಧ ಬರವಣಿಗೆಯಿಂದ ಕೂಡಿದ
ಮತ್ತು ಸ್ಪಷ್ಟವಾಗಿ ಅರ್ಥವಾಗದ ಉತ್ತರಗಳಿಗೆ ಅಂಕಗಳನ್ನು
ಕೊಡಲಾಗುವುದಿಲ್ಲ.

I. ಈ ಕೆಳಗಿನ ಪ್ರಶ್ನೆಗಳಿಗೆ ಸಂಕ್ಷಿಪ್ತವಾಗಿ ಉತ್ತರಿಸಿ. ಪ್ರತಿಯೊಂದಕ್ಕೂ
ಒಂದು ಅಂಕ ನೀಡಲಾಗಿದೆ. (10 × 1 = 10)

೧) ದ ಬಿಸಿನೆಸ್‌ಮನ್ – ಯಾವ ರೀತಿಯ ಪ್ರಬಂಧಕ್ಕೆ ಸೇರಿದ ಪ್ರಬಂಧ
ಎಂಬುದನ್ನು ಬರೆಯಿರಿ. ಅದರ ಲೇಖಕರ ಹೆಸರನ್ನು ಬರೆಯಿರಿ.

೨) ಪ್ರಬಂಧದ ಮೂರು ಭಾಗಗಳನ್ನು ಹೆಸರಿಸಿ.

ಸಹಿ 22/4/93